



EX PARTE OR LATE FILED

Federal Communications Commission  
Washington, D.C. 20554  
March 18, 1999

WT 98-143

In Reply Refer to  
2000F/BFW

RECEIVED

MAY 21 1999

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Mr. Donald E. Lively  
3412 McEllen Ct.  
Lafayette, CA 94549

Dear Mr. Lively:

Congresswoman Ellen O. Tauscher requested that we respond to your letter concerning your inability to file comments in response to the *Notice of Proposed Rulemaking* in WT Docket No. 98-143, 1998 Biennial Regulatory Review -- Amendment of Part 97 of the Commission's Amateur Service rules ("*Notice*"). Your letter has been referred to me because this Division handles the licensing and regulation of the Amateur Radio Service. Please be assured, as an initial matter, that your comments dated November 12, 1998, have been placed in the record of this proceeding. While I cannot prejudge the outcome of this proceeding, I can assure you that the Commission will fully consider the views expressed by interested parties before reaching a final decision in this proceeding.

You are correct in that comments to the *Notice* were due by December 1, 1998. The *Notice* stated that individuals choosing to file comments by paper must file an original and four copies and must send them to the Federal Communications Commission's Secretary, Magalie Roman Salas, Office of the Secretary, Federal Communications Commission, 1919 M St., N.W., Room 222, Washington, D. C. 20554. Unfortunately, it appears that your filed comments were addressed to "FCC - Amateur Radio Division, Washington, DC".

Consequently, it appears that your comments were not mailed to the correct address as required by the *Notice*. Moreover, the FCC does not have an "Amateur Radio Division". As a result, your comments as addressed could not be delivered. For your information, please note that the FCC is presently relocating, and its new address is: Federal Communications Commission, 445 - 12th Street, S.W., Washington, DC 20554.

I trust that this letter is responsive to your inquiry.

Sincerely,

D'wana R. Terry  
Chief, Public Safety and Private Wireless Division  
Wireless Telecommunication Bureau

cc: The Honorable Ellen O. Tauscher

No. of Copies rec'd  
List ABCDE

2

ELLEN O. TAUSCHER  
10TH DISTRICT, CALIFORNIA

COMMITTEE ON  
TRANSPORTATION AND INFRASTRUCTURE  
SUBCOMMITTEE ON SURFACE TRANSPORTATION  
SUBCOMMITTEE ON  
WATER RESOURCES AND ENVIRONMENT  
COMMITTEE ON NATIONAL SECURITY  
SUBCOMMITTEE ON MILITARY READINESS

**Congress of the United States**  
**House of Representatives**  
Washington, DC 20515-0510

February 5, 1999

1239 LONGWORTH HOUSE OFFICE BUILDING  
WASHINGTON, DC 20515  
TELEPHONE (202) 225-1880

1801 N. CALIFORNIA BLVD  
SUITE 103  
WALNUT CREEK, CA 94596  
TELEPHONE (925) 932-8999

100 CIVIC PLAZA  
SUITE 242  
DUBLIN, CA 94568  
TELEPHONE (925) 829-0813

420 W. 3RD ST.  
ANTIOCH, CA 94509  
TELEPHONE (925) 757-7187

WTB  
PR

878

FEB 17 9 03 AM '99

Ms. Karen Kornbluh  
Director  
Office Of Legislative and Intergovernmental Affairs  
Federal Communications Commission  
Room 808  
1919 M Street, N.W.  
Washington, D.C. 20554


Dear Ms. Kornbluh:

I am forwarding the enclosed constituent letter from the 10th District of California to you because the issues discussed can be more adequately answered by your staff. I appreciate any information or assistance you can forward to my constituents.

Should you have any specific concerns or questions regarding this request, please contact Nicole Heyneman of my staff at (202) 225-1880.

Thank you for your time and attention to this matter.

Sincerely,



Ellen O. Tauscher  
Member of Congress

EOT:nh

Document: 17731

Page 002 of 004

FROM : TELECOM CONSULTING

DEC. 26. 1998 1:55PM P 1  
PHONE NO. : 510 283 1409

2009733

24 December 1998

Dear Rep. Tauscher,

The attached was returned to me as "No such address". The closing date for comments was 1 December, but obviously that date is passed. Would you see if your "Congressional influence" could have this set of comments included in the Commission's hearing on this matter. E-mail response OK

Sincerely,



Donald E. Lively  
3412 Mc Ellen Ct.  
Lafayette, CA  
94549

donlive@pacbell.net

FROM : TELECOM CONSULTING

DEC. 26. 1998 1:55PM P 2  
PHONE NO. : 510 283 1409**DONALD E. LIVELY - TELECOMMUNICATIONS CONSULTING**

9418 McELLEN CT., LAFAYETTE, CA 94549 (916) 833-9418

725

12 November 1998

FCC - Amateur Radio Division  
Washington, DC

These are my comments re the Commission's upcoming 1996 Telecom Reform Act-dictated biennial review process, specifically as it relates to the Amateur Radio Service - WT Docket 98-143.

I have been licensed since 1937 as W6SJQ. At the outbreak of WWII I held the Class A operating privilege...the then highest class amateur license issued by the FCC. As you know, subsequent to WWII, and at the ARRL's urging, a multi class license tiering structure was introduced, and it reduced significantly my operating latitude unless I took a higher speed code test and a more complex technical test (both of which I was fully capable of passing at that time).

I discovered "radio" in the 3rd Grade and got my Class B at age 14, plus Class A not long thereafter.. This "passion" allowed me to serve my country in two wars (with a minimum of training). It also enabled me to reach an upper middle management executive positions in the telecom and international consulting industries. "Hams", and their military-trained counterparts, served as the base for America's electronic technology advances and successes, for at least the next 40 years subsequent to WWII.

The inclusion of the code tests as a prerequisite to an amateur license, is both an insult and strong deterrent to many individuals who's interests would otherwise take them the ham radio avocation or technology career route.

Organized and individual hams still form a valuable and irreplaceable emergency communication resource...but not one relying on the ponderously slow manual code transmission vehicle. Merchant shipping, the military and commercial aviation no longer make use of Morse...the last holdouts. Emergency nets now rely almost totally on VHF relay and mobile systems, with long haul traffic carried by packet, voice SSB, etc..

As one who functioned as both a submarine radio operator, as well as electronic technician, plus enjoyed a long career of professional radio and telecom engineering, I had all the skills and expertise to upgrade my Advanced Class License to Amateur Extra, any time I decided to do so. I chose not to, mainly because it was not my inclination to knuckle under to a group of arrogant and "technology vision-challenged", status-quo old men at ARRL - individuals, whose "clocks" were locked in time and the Morse code. I simply chose not to "earn" back, what I'd already long since proved myself competent to enjoy.

I believe that if the Commission is to find continuation of the Amateur Radio Service still to be in the public interest, it must do so solely on the basis that it be returned to its role as source of self-actuated human "technology feedstock" for the Nation's military, industry work force and scientific study needs.

Let me illustrate below, why I feel so strongly the FCC should engage in

FROM : TELECOM CONSULTING

rule making which will once again energize and motivate hundreds of thousands of individuals to enter the fascinating and rewarding world of electronic technology and communications.

Having stayed locked into this electronic world from my days of CW, landline telegraph and microwave radio, to the full gamut of cyberspace and digits, I can unquestionably ascribe my success and life fulfillment, to the self taught basics only ham radio offers. Today's red hot computer hacker or software young genius, rarely has a grasp of the underlying electrical and electronic theory which makes his or her world of computers possible. Hamming, and the opportunity to create and experiment with technology at the component level, is still one of the surest way to start breeding a future engineer or scientist.

But, placing a test for skills at a superannuated "lost art" before a future ham, is like telling a potential airplane pilot, he or she must master the locomotive engineer's trade as a precursor to entering the world of the more contemporary transport medium.

My recommendation would be to :

1. Totally eliminate any code test for an amateur license.
2. Revert to the two tier licensing scheme of the past, but make licensing incumbent on proven understanding of relevant communication law and regulations, plus proof and demonstration of basic electronic theory. This would include too, some elementary computer and digital theory. Such a "package" would suffice for what is now the General and Technician Class licenses. Existing Technicians and General Classes would be "grandfathered" into such a license.
3. Establish a second class of license which would embrace both the present Advanced and Extra licenses (absent code), but would include present levels of "Extra" theory, plus significant amounts of contemporary digital transport and computer theory, plus basics of the video and optical mediums.

The amateur RF spectrum is a valuable and currently underused national resource. And although I enjoy using it as an avocational and recreational asset, I know that it can't much longer be reserved as a plaything for an elite, but out of touch constituency (trying to hang onto the convictions of their youth). So, do the rule-making which returns ham radio to being the gateway for each new generation's entry to the gratifying and useful world of technology and communications, and you preserve a priceless legacy the Nation has enjoyed for 3/4's of a century.

Sincerely,

